

A

selected new
rticles

LRB Library

Legislative Reference Bureau
State of Hawai'i
Wendell K. Kimura, Acting Director

January - March 2000

Abortion

Mountjoy, John J.
State abortion policy: regulation or political maneuvering?
IN: Spectrum, Fall 1999, vol.72, no.4:1-3.

Affirmative action programs

Killenbeck, Mark R.
Pushing things up to their first principles: reflections on the values
of affirmative action.
IN: California Law Review, December 1999, vol.87, no.6:1299-1407.

Aged

McGinley, Laurie
States move to help elderly buy prescriptions.
IN: The Wall Street Journal, January 21, 2000:A2.

Cauchi, Richard
Making medicines affordable; a number of states have for years helped
older Americans buy needed prescription drugs.
IN: State Legislatures, December 1999, vol.25, no.10:10-11.

Senior drug assistance programs.
 IN: State Policy Reports, February 2000, vol.18, issue 3:7-13.
 Includes table: State senior drug assistance programs.

Aged, Crimes against

Bakondy, Heather H.
 Elder fraud not a winner.
 IN: State Trends, Fall 1999, vol.5, issue 4:1-2,7.

Agriculture

Naftzger, David
 Beginning farmer programs.
 IN: NCSL Legisbrief, February 2000, vol.8, no.9:entire issue.
 Includes map of states with agricultural bond programs or other finance programs.

Bills, Legislative

Erickson, Brenda
 Who may sponsor legislation?
 IN: NCSL Legisbrief, January 2000, vol.8, no.2:entire issue.

Edwards, Virginia A.
 A history of prefiling in Virginia.
 IN: Journal of the American Society of Legislative Clerks and Secretaries, Winter 2000, vol.5, no.2:10-14.

Biotechnology

Leber, Sandra K.
 Biotechnology: curse or cure?
 IN: State Government News, January 2000, vol.43, no.1:23-26.

Business incubators

Kearns, Monica
 Business incubators hatch home grown jobs.
 IN: NCSL Legisbrief, January 2000, vol.8, no.4:entire issue.

Campaign funds

Drage, Jennifer
 Limits on contributions to candidates.
 IN: NCSL Legisbrief, February 2000, vol.8, no.10:entire issue.

New articles of interest selected from periodicals available in the Library. Each article selected is cataloged in the Library's CARD catalog for easy reference.

Greenhouse, Linda

Justices uphold \$1,000 limit on contributions to campaigns.

IN: The New York Times, January 25, 2000:A1,A18.

Includes map of states that have limits on campaign funds.

Beyle, Thad

The cost of winning.

IN: State Government News, February 2000, vol.43, no.2:20-23.

Includes table: Cost of 1998 gubernatorial elections (all candidates in 36 states); and Tracking costs of governors' races, 1982-1998 (in 1998\$).

Caucus

Donlin, Johanna

Partisan caucus staff.

IN: NCSL Legisbrief, March 2000, vol.8, no.13:entire issue.

Includes list: States with caucus staff.

Cellular radio

Do any states restrict the use of cell phones in motor vehicles?

IN: NCSL Inside, December 1999:2.

Lloyd, Jillian

States, cities crack down on driving while dialing.

IN: The Christian Science Monitor, March 3, 2000:2.

Census

States and the census. Contents - Impact on states. - Getting the count right.

IN: State Policy Reports, January 2000, vol.18, issue 1:10-13.

Includes table: Value of federal grants affected by population counts, fiscal year 1999.

Charter schools

Bowman, Darcia Harris

Charter school movement growing rapidly, study shows.

IN: Education Week, February 16, 2000, vol.19, no.23:5.

Child abuse

Williams-Mbengue, Nina + Ramirez-Fry, Kyle

A new look at child protection.

IN: State Legislatures, December 1999, vol.25, no.10:25-28.

New articles of interest selected from periodicals available in the Library. Each article selected is cataloged in the Library's CARD catalog for easy reference.

Child care services

Statestats: encouraging better child care.

IN: State Legislatures, December 1999, vol.25, no.10:4.

Includes map showing states with "tiered and reimbursement rates".

Jacobson, Linda

Problems in child care found to persist.

IN: Education Week, February 9, 2000, vol.19, no.22:1,15.

Child support

Walton, Stephanie

New hire reporting to collect child support.

IN: NCSL Legisbrief, February 2000, vol.8, no.7:entire issue.

Child welfare

Maluccio, Anthony N. + Anderson, Gary R. (Eds.)

Special issue: future challenges and opportunities in child welfare.

IN: Child Welfare, January / February 2000, vol.79, no.1:entire issue.

Children

Symposium: the implications of welfare reform for children.

IN: Ohio State Law Journal, vol.60 no.4:1177-1512.

Constitutions, State

Schapiro, Robert A.

Polyphonic federalism: state constitutions in the federal courts.

IN: California Law Review, December 1999, vol.87, no.6:1409-1468.

Data warehousing

Swope, Christopher

Info central: data warehousing, putting all of a government's data together in a single place, can yield big advantages for decision makers.

IN: Governing, January 2000, vol.13, no.4:30-32.

Dilation and extraction abortion

Gerling, Susan M.

Virginia's partial birth abortion statute: an unconstitutional restriction on a woman's right to have an abortion.

IN: Washington University Journal of Urban and Contemporary Law, Winter 1999, vol.55:275-297.

Distance education

Carr, Sarah

As distance education comes of age, the challenge is keeping the students.

IN: The Chronicle of Higher Education, February 11, 2000, vol.46, no.23:A39-A41.

Earned income tax credit

O'Connor, Michael A.

The earned income tax credit: eligible families at risk of losing benefits.

IN: Clearinghouse Review, November-December 1999, vol.33, nos.7-8:433-439.

Education

K-12 education trends.

IN: State Policy Reports, November 1999, vol.17, issue 11:1-16.

Ludwig, Jens + Bassi, Laurie J.

The puzzling case of school resources and student achievement.

IN: Educational Evaluation and Policy Analysis, Winter 1999, vol.21, no.4:385-403.

Education, Higher

Finney, Joni E. + Nodine, Thad R.

Coming college crisis; a recent analysis reveals bleak fiscal predictions for higher education.

IN: State Government News, January 2000, vol.43, no.1:27-30.

Education and state

Storm, Ruth + Reiock, Richard C.

Economic development consequences of state support for higher education.

IN: State and Local Government Review, Spring 1999, vol.31, no.2:97-105.

Educational accountability

Linn, Robert L. + Baker, Eva L.

Standards based accountability systems: adequate yearly progress; absolutes, wishful thinking, and norms.

IN: CRESST Line, Spring 1999:entire issue.

Electioneering

Stambough, Stephen J. + McCuan, David
 Political cable advertising and the future of political campaigns.
 IN: Comparative State Politics, December 1999, vol.20, no.6:13-26.

Elections

The law and economics of "informed voter" ballot notations.
 IN: Virginia Law Review, November 1999, vol.85, no.8:1533-1587.

Electronic commerce

Simpson, Glenn R.
 E-commerce firms start to rethink opposition to privacy regulation as abuses, anger rise.
 IN: The Wall Street Journal, January 6, 2000:A24.
 Includes proposed legislation in California and New York.

Mackey, Scott
 Can the sales tax survive cyberspace?
 IN: State Legislatures, December 1999, vol.25, no.10:12-17.

E-commerce and the states.
 IN: State Policy Reports, October 1999, vol.17, issue 9:14-21.

Bourquard, Jo Anne
 New laws for the digital age.
 IN: State Legislatures, March 2000, vol.26, no.3:30-31,32.

Employment agencies

Clark, Charles S.
 One stop career centers are open for business.
 IN: State Legislatures, December 1999, vol.25, no.10:32-33.

ERISA (Employee Retirement Income Security Act)

Korte, Amy S.
 The Model Health Care Accountability and Information Act: managed care and medical malpractice liability under an amended ERISA.
 IN: Washington University Journal of Urban and Contemporary Law, Winter 1999, vol.55:161-190.

Family violence

Mills, Linda G.

Killing her softly: intimate abuse and the violence of state intervention.

IN: Harvard Law Review, December 1999, vol.113, no.2:550-613.

Discusses mandatory, or "no drop," prosecution.

Firearms

Anders, Kelly

Concealed weapons.

IN: NCSL Legisbrief, February 2000, vol.8, no.8:entire issue.

Includes 50 state map showing which states prohibit, restrict or allow.

Gangs

Howell, James C. + Gleason, Debra K.

Youth gang drug trafficking.

IN: OJJDP. Juvenile Justice Bulletin, December 1999:entire issue.

Gays

Baker, Debra

Acting on one's beliefs: clash between gay rights and religious freedom spills over into workplace.

IN: ABA Journal, January 2000, vol.86:18-19.

Lowe, Jeremy C.

Homosexual discrimination and government employment: *Shahar v. Bowers*; the government employers' shield of public animosity.

IN: Washington University Journal of Urban and Contemporary Law, Winter 1999, vol.55:191-233.

Government information

Towns, Steve

The dawn of electronic states: Georgia, Kansas top first phase of The Digital State survey.

IN: Government Technology, January 2000, vol.13, issue 1:20-22.

Newcombe, Tod

Online governance: will it make states and localities more responsive?

IN: Government Technology, January 2000, vol.13, issue 1:24-31.

Grandparent and child

Grandparents' rights: the constitutionality of state visitation laws.
IN: Supreme Court Debates, March 2000, vol.3, no.3:entire issue.

Handicapped students

Sack, Joetta L.
States lax in enforcing IDEA, study asserts.
IN: Education Week, February 2, 2000, vol.19, no.21:26.

Hate crimes

Wang, Lu-in
The complexities of "hate".
IN: Ohio State Law Journal, 1999, vol.60, no.3:799-900.

Home schooling

Archer, Jeff
Unexplored territory: home schooling is growing, but many researchers shy away from the topic.
IN: Education Week, December 8, 1999, vol.14, no.15:22-25.

Income tax

Income taxes: bad for states?
IN: State Policy Reports, January 2000, vol.18, issue 1:13-17.

Initiative, Right of

Drage, Jennifer
Initiative, referendum, and recall: the process.
IN: Journal of the American Society of Legislative Clerks and Secretaries, Winter 2000, vol.5, no.2:15-18.
Includes table: The initiative and referendum states.

Insurance, Uninsured motorist

Calvo, Cheye
The problem of uninsured motorists.
IN: NCSL Legisbrief, January 2000, vol.8, no.3:entire issue.

Internet (Computer network)

Lessig, Lawrence + Resnick, Paul
Zoning speech on the Internet: a legal and technical model.
IN: Michigan Law Review, November 1999, vol.98, no.2:395-431.

New articles of interest selected from periodicals available in the Library. Each article selected is cataloged in the Library's CARD catalog for easy reference.

Tyson, Ann S.
Should World Wide Web be a tax free zone?
IN: The Christian Science Monitor, February 28, 2000:3.

Internet privacy: protecting personal information online; pro & con.
IN: Congressional Digest, February 2000, vol.79, no.2:entire issue.

Semitsu, Junichi P.
Burning cyberbooks in public libraries: Internet filtering software vs.
the First Amendment.
IN: Stanford Law Review, January 2000, vol.52, no.2:509-545.

Who will get connected? How Washington and E-business choose the
haves and have-nots of the Internet.
IN: CQ Weekly, March 11, 2000, vol.58, no.11:Supplement: CQ Outlook.

Item veto

Kline, Matthew Thomas
The line item veto case and the separation of powers.
IN: California Law Review, January 2000, vol.88, no.1:181-232.

Juvenile courts

Feld, Barry C.
The transformation of the juvenile court: part II: race and the "crack
down" on youth crime.
IN: Minnesota Law Review, December 1999, vol.84, no.2:327-395. (Part I)
appeared in 75 Minn.L.Rev. 691 (Feb. 1991).

Legislative bodies

Deen, Rebecca E. + Little, Thomas H.
Getting to the top: factors influencing the selection of women to
positions of leadership in state legislatures.
IN: State and Local Government Review, Spring 1999, vol.31,
no.2:123-134.
Includes graph: Women leaders in state legislatures, 1983-1997; and
table: Gender distribution of 1997 state legislative party leaders, by
position.

Legislators

Bell, Dawson
Reducing rancor in Michigan.
IN: State Legislatures, December 1999, vol.25, no.10:22-24.

Clines, Francis X.
Term limits bring wholesale change into legislatures.
IN: The New York Times, February 14, 2000:A1,A19.

Conway, Michael E.
Times of change: legislatures across the country are finding ways to deal with the adverse effects of term limits.
IN: State Government News, February 2000, vol.43, no.2:10-13.
Includes map: States with legislative term limits.

Managed care plans (Medical care)

Geyelin, Milo
A disabled attorney puts civil rights spin on HMO litigation: his legal strategy sidesteps industry's main bulwark against patient lawsuits.
IN: The Wall Street Journal, January 26, 2000:A1,A8.

Noble, Alice A. + Brennan, Troyen A.
The stages of managed care regulation: developing better rules.
IN: Journal of Health Politics, Policy and Law, December 1999, vol.24, no.6:1275-1305.

Korte, Amy S.
The Model Health Care Accountability and Information Act: managed care and medical malpractice liability under an amended ERISA.
IN: Washington University Journal of Urban and Contemporary Law, Winter 1999, vol.55:161-190.

Manufacturing industries

Kearns, Monica
Small manufacturers: good for the economy.
IN: State Legislatures, December 1999, vol.25, no.10:29-31.

Medicaid

Gold, Marsha + Aizer, Anna
Growing an industry: how managed is TennCare's managed care?
IN: Health Affairs, January / February 2000, vol.19, no.1:86-101.

Medical care

Sage, William M.
Regulating through information: disclosure laws and American health care.
IN: Columbia Law Review, November 1999, vol.99, no.7:1701-1829.

Mentally ill

Gibeaut, John

Who knows best? It's an ongoing debate: should the government force treatment on the mentally ill? Either way, individuals, families and society suffer.

IN: ABA Journal, January 2000, vol.86:49-54.

Minimum wage

Minimum wage: the debate over raising the hourly rate; pro & con.

IN: Congressional Digest, March 2000, vol.79, no.3:entire issue.

Nudity

Decency and community values: defining first amendment protection of nude dancing.

Contents (Selected): - Pro & con: can government ban strip clubs in light of the Barnes decision and First Amendment freedoms?

IN: Supreme Court Debates, January 2000, vol.3, no.1:entire issue.

Nurses

Flanders, Gretchen

Interstate licensing of nurses.

IN: NCSL Legisbrief, January 2000, vol.8, no.6:entire issue.

Occupational training

Schmidt, Tracy

State legislatures drive workforce development reform.

IN: NCSL Legisbrief, February 2000, vol.8, no.11:entire issue.

Pharmaceutical assistance

McGinley, Laurie

States move to help elderly buy prescriptions.

IN: The Wall Street Journal, January 21, 2000:A2.

Cauchi, Richard

Making medicines affordable; a number of states have for years helped older Americans buy needed prescription drugs.

IN: State Legislatures, December 1999, vol.25, no.10:10-11.

Senior drug assistance programs.

IN: State Policy Reports, February 2000, vol.18, issue 3:7-13.

Includes table: State senior drug assistance programs.

Privacy, Right of

Internet privacy: protecting personal information online; pro & con.
IN: Congressional Digest, February 2000, vol.79, no.2:entire issue.

Privatization

Walters, Jonathan

The welfare bonanza: the private sector is moving quickly to cash in on the new world of public assistance. Can the for-profits do a better job than government workers?

IN: Governing, January 2000, vol.13, no.4:34-36.

Walsh, Mark

Report card on for-profit industry still incomplete.

IN: Education Week, December 15, 1999, vol.19, no.16:1,14-16.

Greenwald, John

School for profit.

IN: Time, March 20, 2000, vol.155, no.11:56-57.

Public administration

Barrett, Katherine + Greene, Richard

Grading the cities: a management report card.

IN: Governing, February 2000, vol.13, no.5:22-24,28.

Includes management profiles of 35 cities. Honolulu's average grade is B.

Public welfare

Measuring success: welfare reform.

IN: State Policy Reports, December 1999, vol.17, issue 13:14-23.

Includes tables: Total TANF recipients by state; Total TANF recipients by state before and after welfare reform; and FY 1998 unspent TANF funds.

Symposium: the implications of welfare reform for children.

IN: Ohio State Law Journal, vol.60 no.4:1177-1512.

Tweedie, Jack

More than just 'welfare'; states are transforming welfare from cash assistance to a variety of services to strengthen poor families.

IN: State Legislatures, February 2000, vol.26, no.2:30-33.

Sales tax

Mackey, Scott

Can the sales tax survive cyberspace?

IN: State Legislatures, December 1999, vol.25, no.10:12-17.

Same sex marriage

Goldberg, Carey

Vermont's high court extends full rights to same sex couples.

IN: The New York Times, December 21, 1999:A1,A23.

Goldberg, Carey

Redefining a marriage made new in Vermont.

IN: The New York Times, December 26, 1999, Section 4:3

School choice

Dieffenbach, Rich

School choice: federal rulings reignite voucher debate.

IN: State Trends, Fall 1999, vol.5, issue 4:3-4.

Includes map: School choice programs across the country (as of July 15, 1999).

Viteritti, Joseph P.

School choice: beyond the numbers.

IN: Education Week, February 23, 2000, vol.19, no.24:38,44.

School discipline

Johnston, Robert C.

Decantur furor sparks wider policy debate; new scrutiny ahead for 'zero tolerance'.

IN: Education Week, November 24, 1999, vol.14, no.13:1,12.

Sentences (Criminal procedure)

Edwards, Todd

Sentencing reform in southern states: a review of truth in sentencing and three strike measures.

IN: Spectrum, Fall 1999, vol.72, no.4:8-11.

Sex offenders

Baker, Debra

Slamming the door: New Jersey court lets homeowners turn down buyers on Megan's Law list.

IN: ABA Journal, January 2000, vol.86:24-25.

Sexual harrassment

Guenthner, L. Robert, III
 Who is the victim here? Vicarious sexual harassment after *Leibovitz v. New York City Transit Authority*.
 IN: Washington University Journal of Urban and Contemporary Law, Winter 1999, vol.55:299-315.
 Discusses hostile work environment.

Sexual harrassment in education

Rice, Elizabeth A.
 Gebser v. Lago Vista School District: a look at school districts' liability for teacher, student sexual harassment.
 IN: Washington University Journal of Urban and Contemporary Law, Winter 1999, vol.55:351-365.

Signatures (Writing)

Hicks, Chester
 Electronic identification.
 IN: State Government News, January 2000, vol.43, no.1:31.

Smoking

Coles, Adrienne D.
 States' anti-smoking campaigns paying off.
 IN: Education Week, February 9, 2000, vol.19, no.22:12.

Spiritual healing

Gordon, Dianna
 When faith healing fails: the Oregon legislature has drawn a fine line between punishing devout parents and ensuring necessary medical care for youngsters.
 IN: State Legislatures, March 2000, vol.26, no.3:26-27.

State governments

State and local government employment.
 IN: State Policy Reports, January 2000, vol.18, issue 2:8-13.
 Includes tables: Changes in state and local government employment, 1998-99; and State government employment as a percent of total state and local employment, 1999.

Student service

O'Bannon, Frank

Service learning benefits our schools.

IN: State Education Leader, Fall 1999, vol.17, no.3:entire issue.

Taxation, State

Comparing tax burdens.

IN: State Policy Reports, December 1999, vol.17, issue 12:2-11.

State tax studies.

IN: State Policy Reports, December 1999, vol.17, issue 12:16-23.

Includes table: Summary of selected recent tax studies.

Teachers

Hirsch, Eric

Teacher pay for performance.

IN: NCSL Legisbrief, February 2000, vol.8, no.12:entire issue.

Kelley, Carolyn + Odden, Allan + Milanowski, Anthony + Heneman, Herbert III

The motivational effects of school based performance awards (SBPA).

IN: CPRE Policy Briefs, February 2000:entire issue.

Teachers, Training of

Quality counts: who should teach?

IN: Education Week, January 13, 2000, vol.19, no.18:entire issue.

Includes 50 state table: The teacher salary gap state by state.

Includes state by state analyses and numerous tables.

Hirsch, Eric + Samuelsen, Shelby

Improving teacher quality: teacher policy inventories.

IN: State Legislative Report, December 1999, vol.24, no.9:entire issue.

Teenage automobile drivers

Bandwagon moving fast: states accelerate pace of graduated licensing laws.

IN: Status Report, December 4, 1999, vol.34, no.10:entire issue.

Includes map: States with partial and full graduated licensing.

Statestats: making sure teens are ready to drive.

IN: State Legislatures, February 2000, vol.26, no.2:6.

Includes table: States with elements of graduated licensing for teen drivers.

Teenage pregnancy

Guiden, Mary

Not your average teen mom; being a teenage mother herself has motivated a Louisiana legislator to be a champion for preventing teen pregnancy.

IN: State Legislatures, February 2000, vol.26, no.2:26-27, 29.

Telecommunication

Mackey, Scott

Telecommunications and the tangle of taxes.

IN: State Legislatures, February 2000, vol.26, no.2:22-23, 25.

Telecommuting

Wade, David R.

The expanding workplace: telecommuting and legal liability under OSHA, ADA, and workers' compensation.

IN: Labor Law Journal, Winter 1999, vol.50, no.4:252-263.

Torts

State tort reform: Ohio Supreme Court strikes down State General Assembly's tort reform initiative.

IN: Harvard Law Review, January 2000, vol.113, no.3:804-809.

Whitmire, Sarah

Torts pit lawmakers vs courts.

IN: State Government News, February 2000, vol.43, no.2:14-17.

Includes table: States that enacted tort reform legislation in 1999.

U.S. Court of Appeal (Ninth Circuit)

Proposed changes to the Ninth Circuit and the Federal Courts of Appeals: final report of the Commission on Structural Alternatives for the Federal Courts of Appeals; and S. 253, the Ninth Circuit Reorganization Act.

IN: Harvard Law Review, January 2000, vol.113, no.3:822-827.

Vaccination of children

Flanders, Gretchen

Vaccinations: public health's 'miracle' under scrutiny.

IN: State Legislatures, March 2000, vol.26, no.3:20-22,23,25.

Waianae (Oahu)

In battered Wai'anae, community organizes to save environment, health.
IN: Environment Hawaii, March 2000, vol.10, no.9:1,5-9.

Welfare recipients

Oliveri, Rigel
Statutory rape law and enforcement in the wake of welfare reform.
IN: Stanford Law Review, January 2000, vol.52, no.2:463-508.

Work environment

Domestic violence becomes a workplace issue.
IN: State Legislatures, February 2000, vol.26, no.2:8.

Youth

Fairchild, Mary + Bell, Julie D.
School violence: lessons learned.
IN: State Legislatures, February 2000, vol.26, no.2:12-15.